

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

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MidFirst Bank

In Re:
Edna Clemmons,

Debtor.



Order Filed on February 27, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 17-23180-ABA

Adv. No.:

Hearing Date: 2/28/2018

Judge: Andrew B. Altenburg

**CONSENT ORDER CURING POST-PETITION ESCROW ADVANCES AND RESOLVING
OBJECTION TO CONFIRMATION**

The relief set forth on the following pages, numbered two (2) through three (3) is hereby
ORDERED.

DATED: February 27, 2018



Honorable Andrew B. Altenburg, Jr.
United States Bankruptcy Court

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Debtor: Edna Clemmons

Case No: 17-23180-ABA

Caption of Order: CONSENT ORDER CURING POST-PETITION ESCROW ADVANCES & RESOLVING OBJECTION TO CONFIRMATION

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor, MidFirst Bank, holder of a mortgage on real property known as 106 Oxford Street, a/k/a 106 West Oxford Street, Vineland, NJ 08360, Denise Carlon, Esq. appearing, upon an objection to confirmation of Debtor's Chapter 13 plan and a motion for relief from stay, and this Court having considered the representations of attorneys for Secured Creditor and Moshe Rothenberg, Esq., attorney for Debtor, and for good cause having been shown

It is **ORDERED, ADJUDGED and DECREED** that as of January 15, 2018, Secured Creditor has advanced \$1,216.34 for post-petition escrow advances; and

It is further **ORDERED, ADJUDGED and DECREED** that the balance of the post-petition escrow advances in the amount of \$1,216.34 shall be added to the affidavit of amount due and paid through Debtor's Chapter 13 plan; and

It is further **ORDERED, ADJUDGED and DECREED** that for the duration of Debtor's Chapter 13 bankruptcy proceeding, Debtor shall pay all post-petition escrow items directly, including but not limited to property taxes and insurance, and if Debtors do not maintain these payments, Secured Creditor can advance for these items and/or seek relief from this Court by filing a certification of default; and

It is further **ORDERED, ADJUDGED and DECREED** that Debtor shall pay the mortgage insurance directly to Secured Creditor outside of the plan in the amount of \$13.85, which amount is subject to adjustments in accordance with applicable laws; and

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor's claim will be paid off in full through Debtor's Chapter 13 plan; and

It is further **ORDERED, ADJUDGED and DECREED** that the total amount to be paid to Secured Creditor through Debtor's Chapter 13 plan is broken down as follows:

- \$40,751.00 due at the time of filing;
- \$10,600 interest on unpaid balance over the life of the plan (9.5%)
- \$1,216.34 for post-petition escrow
- **TOTAL: \$52,351.34**

It is **FURTHER ORDERED, ADJUDGED and DECREED** that upon successful completion of said payments, repayment of all post-petition escrow advances, and receipt of a discharge in this Chapter 13 proceeding, this lien shall be released and extinguished; and

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It is **FURTHER, ORDERED, ADJUDGED** and **DECREED** that Secured Creditor, shall file a release of the lien with the recorder of deeds in Cumberland County for the underlying mortgage within 30 days of the completion of the plan payments, repayment of outstanding escrow advances, and receipt of discharge; and

It is **FURTHER, ORDERED, ADJUDGED** and **DECREED** that in the event Secured Creditor fails to discharge the mortgage within the prescribed period, the Debtor and/or Debtor's counsel may record with the recorder of deeds a certified or exemplified copy of this order, along with a copy of the bankruptcy discharge order, which shall have the same force and effect of a discharge of mortgage.

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor's objection to confirmation and motion for relief from stay are hereby resolved.

I hereby agree and consent to the above terms and conditions:

/s/ Denise Carlon

DENISE CARLON, ESQ., ATTORNEY FOR CREDITOR

Dated: 2/27/2018

I hereby agree and consent to the above terms and conditions:

/s/ Moshe Rothenberg

Moshe Rothenberg, ESQ., ATTORNEY FOR DEBTOR

Dated: 2/23/2018

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
District of New Jersey

In re:
Edna Clemmons
Debtor

Case No. 17-23180-ABA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Feb 28, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 02, 2018.

db +Edna Clemmons, 106 West Oxford Street, Vineland, NJ 08360-2723

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 02, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 28, 2018 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor MIDFIRST BANK dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,
summarymail@standingtrustee.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Moshe Rothenberg on behalf of Debtor Edna Clemmons moshe@mosherothenberg.com,
alyson@mosherothenberg.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5